

ENTERED

March 29, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CEDRA PHARMACY HOUSTON, LLC,	§	
JAMMZ CHEMISTS LLC d/b/a CEDRA	§	
DALLAS, and CEDRA PHARMACY LOS	§	
ANGELES LLC,	§	
<i>Plaintiffs,</i>	§	
v.	§	CIVIL ACTION NO. 4:17-CV-03800
UNITEDHEALTH GROUP INC., UNITED	§	
HEALTHCARE SERVICES, INC.,	§	
OPTUMRX, INC., CATAMARAN	§	
CORPORATION, CATAMARAN PBM OF	§	
ILLINOIS INC., CATAMARAN, LLC,	§	
BRIOVARX OF MAINE, INC., BRIOVARX,	§	
LLC, and SALVEO SPECIALTY	§	
PHARMACY, INC.,	§	
<i>Defendants.</i>	§	

ORDER

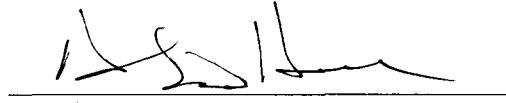
The Court has before it the Memorandum and Recommendations (Doc. No. 50) of the United States Magistrate Judge regarding the Motion to Dismiss (Doc. No. 16) filed by Defendants, and Plaintiffs' Objections thereto (Doc. No. 51). Plaintiffs have objected to the entire Memorandum because it recommends that this Court grant the Motion to Dismiss filed by Defendants in toto (Doc. No. 16).

The Court, having considered the applicable law and facts *de novo*, hereby adopts the Memorandum and Recommendations of the United States Magistrate Judge. In doing so it notes that one of Plaintiffs' primary objections is that the Magistrate Judge used the standard of Rule 9(b) (the fraud standard) in determining whether Plaintiffs' pleadings, especially in terms of the alleged predicate acts, were sufficient. This Court notes that the Memorandum and Recommendations does not cite Rule 9(b), nor does it mis-utilize or misapply the standard.

Instead, the Magistrate Court followed, as this Court did in its *de novo* review, the dictates of the United States Supreme Court, especially those found in *Bell Atlantic Corporation v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and the subsequent, relevant cases from the Fifth Circuit of Appeals.

The Memorandum and Recommendations (Doc. No. 50) is adopted. The Motion to Dismiss (Doc. No. 16) filed by Defendants is granted.

SIGNED at Houston, Texas this 29th day of March, 2019.



Andrew S. Hanen
United States District Judge